

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 98-5 ERIE
)
JOSEPH BARNETTE)

MOTION TO WITHDRAW AS COUNSEL
DUE TO CONFLICT OF INTEREST

AND NOW, comes Assistant Federal Public Defender Candace Cain, appointed counsel for the defendant, Joseph Barnette, and respectfully moves this Honorable Court to withdraw from continued representation of Mr. Barnette in the above referenced matter due to a conflict of interest and further moves the Court to order that substitute counsel be appointed. In support thereof counsel states:

1. On June 3, 2008, the Court appointed the Federal Public Defender to represent Mr. Barnette with respect to his *Pro Se* Motion for Sentence Reduction filed on October 29, 2007 Pursuant to 18 U.S.C. § 3582(c) and Amendments §§ 706 and 711 for "Crack Cases" authorized as of March 3, 2008.

2. The Federal Public Defender's Office reviewed Mr. Barnette's case and discovered that it has a conflict of

interest that precludes it from representing Mr. Barnette in this matter.

3. Accordingly, the Federal Public Defender's Office respectfully moves the Court to order that the Federal Public Defender be allowed to withdraw and that substitute counsel be appointed in this matter.

WHEREFORE, Assistant Federal Public Defender Candace Cain respectfully moves the Court to grant the within Motion to Withdraw as Counsel Due to Conflict of Interest and order that substitute counsel be appointed.

Respectfully submitted,

/s/ Candace Cain

Candace Cain
Assistant Federal Public Defender
Pa. Attorney ID No. 40663